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Patent
Attorney's Docket No. 002010-603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
YEDNOCK et al.)	Group Art Unit: 1653
Application No.: 09/127,364)	Examiner: D. Lukton
Filed: July 31, 1998)	Confirmation No.: 1040
For: ANTI-INFLAMMATORY)	
COMPOSITIONS AND METHOD)	

PETITION FOR REVIVAL OF AN ABANDONED APPLICATION
UNDER 37 C.F.R. §1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for revival of the above-identified patent application. The above-identified patent application unintentionally became abandoned on January 10, 2003, for failure to file a complete response to the Office Action mailed on July 9, 2002.

On January 9, 2003, a Request for Continued Prosecution Application under 37 C.F.R. § 1.53(d) was filed with a Petition for Three Month Extension of Time. However, the Request for Continued Prosecution Application under 37 C.F.R. § 1.53(d) was improper because the application was a previously filed Continued Prosecution Application (CPA) filed on or after May 29, 2000. Accordingly, the request filed on January 9, 2003, was treated as a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. As a Request for Continued Examination, the response filed on January 9, 2003, with a three month extension of time, was also improper because it was filed without a submission. An Office Communication, mailed on February 12, 2003, indicated that the response had, in fact, been treated as a RCE and was improper because it was not accompanied by a submission and that the period for response as set forth in the Office Action had continued to run from the mailing date of that action (July 9, 2002). Therefore, the application unintentionally has gone abandoned for failure to file a proper Request for Continued Examination under 37

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C.F.R. § 1.114 by the final due date for responding to the outstanding Office Action of January 9, 2003.

Accordingly, Applicants respectfully submit that the entire delay in filing the required reply from the due date for the reply (January 9, 2003) until the filing of the present petition pursuant to C.F.R. § 1.137(b) was unintentional, and Applicants respectfully request that the application be revived under 37 C.F.R. § 1.137(b).

In support of the petition for revival of the above-identified application under 37 C.F.R. § 1.137(b), Applicants submit the following:

- (a) the required reply to the outstanding Office Action in the form of a Request for Continued Examination under 37 C.F.R. 1.114 with accompanying submission;
- (b) the petition fee as set forth in 37 C.F.R. § 1.17(m) of \$ 1,280.00; and
- (c) the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to C.F.R. § 1.137(b) was unintentional.

It is not believed that a terminal disclaimer pursuant to C.F.R. § 1.137(d) is required.

Please contact the undersigned at (703) 838-6663 if there are any questions concerning this Petition.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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TO:	FROM:
Examiner D. Lukton	Lorna L. Tanner
COMPANY:	DATE:
USPTO	9/19/03
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RE:	YOUR REFERENCE NUMBER:
US Patent Application 09/127,364	

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please deliver immediately to Examiner D. Lukton, Art Unit 1653.

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